

Blog Post

HHS Issues Guidelines to Address Disturbing Trend of Racial Disparities in COVID-19 Testing and Treatment

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Data collected during the coronavirus pandemic shows a disturbing trend of inequities in testing and treatment for COVID-19 among people of color. On July 20, 2020, the Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) issued a Bulletin for healthcare providers, hospitals, and state and local agencies that receive federal financial assistance to address "Civil Rights Protections Prohibiting Race, Color, and National Origin Discrimination During COVID-19."

In this Bulletin, the OCR reminded healthcare providers, hospitals, and state and local agencies that receive federal financial assistance that they must comply with Title VI of the Civil Rights Act of 1964, which states that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The OCR's Bulletin then advised that healthcare providers, hospitals, and state and local agencies that receive federal funds should take several actions to continue to combat racial inequities in America's COVID-19 response and "[t]o help ensure Title VI compliance during the COVID-19 public health

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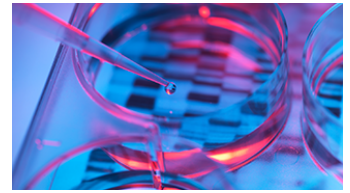
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emergency.” Those recommendations include, among other things, adopting policies that prevent discrimination on the basis of race, color, or national origin and confirming that existing policies regarding COVID-19 related services do not exclude persons on those unlawful bases. Other recommendations prohibit discrimination based on race, color, or national origin in the provision of ambulance services, non-emergency medical transportation, home health services, room and staff assignments, wait times, hospital admissions, and ICU admissions.

Healthcare providers, hospitals, and state and local agencies that receive federal financial assistance can review the OCR’s complete list of recommendations [here](#). This Bulletin provides important guidance to help providers meet their obligations under Title VI and Medicare’s Conditions of Participation to provide COVID-19 treatment free of discrimination. For assistance with implementation of the OCR’s recommendations, providers should contact their current counsel or a member of Akerman’s Healthcare Practice Group.

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